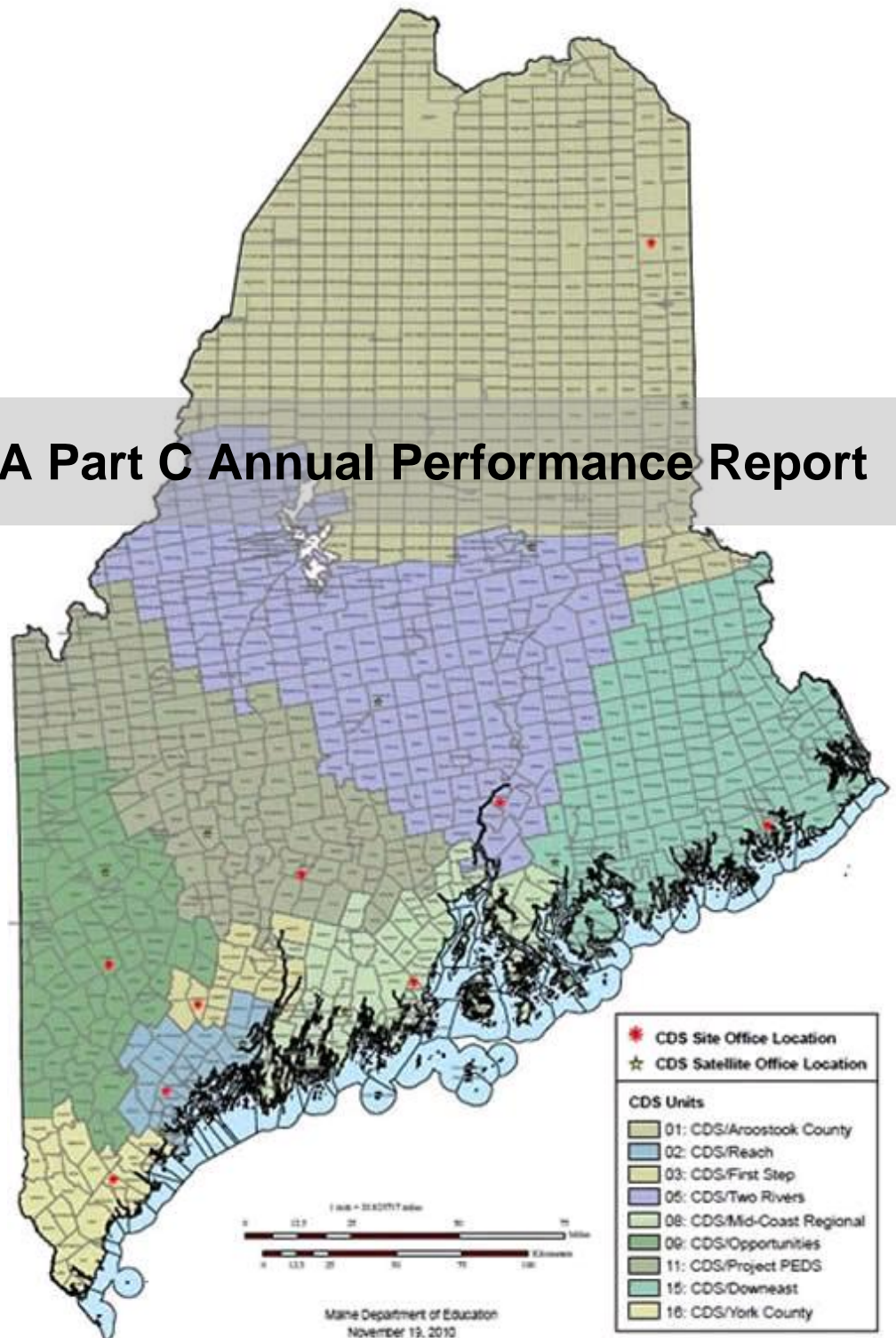


Original submission February 1, 2012

Clarification April 17, 2012

FFY 2010

## IDEA Part C Annual Performance Report



[July 1, 2010 – June 30, 2011] | Child Development Services

## Table of Contents

<b>OVERVIEW OF THE ANNUAL PERFORMANCE REPORT DEVELOPMENT .....</b>	<b>3</b>
<b>MONITORING PRIORITY: EARLY INTERVENTION SERVICES IN NATURAL ENVIRONMENTS .....</b>	<b>6</b>
INDICATOR 1 .....	6
INDICATOR 2 .....	13
INDICATOR 3 .....	16
INDICATOR 4 .....	22
<b>MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / CHILD FIND .....</b>	<b>24</b>
INDICATOR 5 .....	24
INDICATOR 6 .....	26
INDICATOR 7 .....	28
<b>MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / EFFECTIVE TRANSITION .....</b>	<b>33</b>
INDICATOR 8A .....	33
INDICATOR 8B .....	39
INDICATOR 8C .....	42
<b>MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / GENERAL SUPERVISION .....</b>	<b>50</b>
INDICATOR 9 .....	50
INDICATOR 10 .....	63
INDICATOR 11 .....	64
INDICATOR 12 .....	66
INDICATOR 13 .....	68
INDICATOR 14 .....	69

## Part C State Annual Performance Report (APR) for FFY 2010

### Overview of the Annual Performance Report Development:

This APR is the sixth report of the progress toward the targets established in the State Performance Plan (SPP) on December 2, 2005 and extended on February 1, 2011. This APR reports the progress towards the Measureable and Rigorous Targets established in the SPP for all indicators. Child Development Services (CDS), the governmental entity that serves as an Intermediate Educational Unit (IEU) of the Maine Department of Education (MDOE), provides data and analysis for all of the Part C indicators and some of the Part B indicators due to the symbiotic nature of CDS' relationship with the MDOE, described in state statute: The MDOE Commissioner, "shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age." MRSA 20- A§7209(3)

### Stakeholder Group Activities:

Maine Advisory Council on the Education of Children with Disabilities (MACECD) is the stakeholder group that provides guidance and support to the MDOE in the implementation of the SPP. As a group of dedicated volunteers, with the best interests of children with disabilities ages birth through 20 in mind, the council started its 2010-2011 school year with a one-day meeting that included review of the committee structure and discussions on their role as the Interagency Coordinating Council (ICC) and State Advisory Panel (SAP). Progress on the APR is shared with MACECD monthly.

MACECD is comprised of four committees consisting of: Due Process, Monitoring, and Quality Assurance (B15 through B20, C9 through C14); Early Childhood (C2 through C8, B6 and B12); Student Performance (B1 through B7, B14); and Evaluation, Services and Treatment (C1, C7, B8 through B10). MACECD's monthly agenda included items for the MACECD membership as well as committee breakout sessions. The committees assess data and then MACECD, in an advisory role, makes recommendations to the Commissioner of Education on unmet needs from the committees' respective subject areas. When applicable the recommendations are integrated into the operations of the MDOE (program review, dispute resolution, funding, technical assistance, professional development, and discretionary programs) to improve support to special education children statewide. Additionally, the Early Childhood committee of MACECD is tasked with review and critique of the Part C APR for final approval by the full group.

### Child Development Services System:

Over the last year CDS encountered changes. One significant change occurred at the regional sites. The Child Development Services Curtailment Committee (C<sup>3</sup>) was developed to provide recommendations to the Commissioner of Education on the continuing budget shortfalls within the State and the Department of Education. As a recommendation of the C<sup>3</sup>, the regional sites were consolidated from 15 regional sites to nine regional sites beginning July 1, 2010. The nine sites are: Aroostook County, CDS Reach, CDS First Step, Two Rivers, Mid-coast Regional CDS, Opportunities, Project PEDS, Child Development Services Downeast, and York County. Another change in the CDS State IEU is that the State Director, Debra Hannigan, has taken medical leave for an extended period of time on two occasions and continues to be on medical leave. In the fall of 2011, the Commissioner of Education named an Acting Director, Cindy Brown. Two regional sites had a change in directorship. York County's director resigned in December 2010. Between December 2010 and June 2011 York County experienced two interim directors and in July 2011 a new director was hired. In November 2010 a new director was appointed for Two Rivers.

The nine regional site directors meet monthly, at the CDS State IEU located at the MDOE, for a Directors' Council meeting. The regional site directors facilitate the meetings. The meeting agendas include such topics as: procedures; regulations; and problem solving. Regular meetings provide opportunities for

regional site directors to support one another. The CDS State IEU staff are invited to provide updates, technical assistance (TA), and answer any questions regional site directors may have.

The CDS State IEU Management Team meets weekly to discuss a variety of topics including fiscal, policy, data, human resource and site performance across all areas. The Management Team is comprised of the CDS State Director (over FFY 2010 when not available the Department of Education Special Services Team Leader sat in her place), Policy Manager, Human Resources Manager, Finance Manager, and Data Manager. When needed or requested, the Deputy Commissioner was available to the team.

The Case-e system is a web-based, State-level database which all regional sites access to provide the recording of child specific information relating to demographics, assessments, services, team meetings, Individual Family Service Plans (IFSPs), insurance information, and billing. Case-e continues to undergo improvements which support our ongoing oversight of the interrelationship of the fiscal, data, and monitoring systems and supports data gathering for the APR.

**Alignment with National Technical Assistance Resources:**

Maine utilizes technical assistance, professional development and dissemination resources throughout the State to provide scientifically based materials and instruction to educators, parents and interested parties. CDS contracts developed with contractors during FFY 2009 included an objective requiring the contractor to serve as a liaison between the MDOE and national technical assistance centers that provide scientifically-based resources that can be useful for regional sites. All contractors providing technical assistance to regional sites in the State are aligned with and engaging in the services of national technical assistance centers to provide the most current best practice available. All work done by contracted individuals must be consistent with the Office of Special Education Programs (OSEP) SPP and APR indicators as well as Maine Unified Special Education Regulations (MUSER).

Additionally, CDS has requested assistance in the areas of least restrictive environment (LRE) for children three to five, natural environments for birth to two, eligibility timelines, unmet needs, Expanding Inclusive Opportunities, child outcomes, C to B and preschool to kindergarten transition, General Supervision System, APR assistance, and data analysis from the Northeast Regional Resource Center (NERRC), the National Early Childhood Technical Assistance Center (NECTAC), OSEP, Early Childhood Outcomes (ECO) Center, the Infant and Toddlers Coordinators Association (ITCA), and the Data Accountability Center (DAC). CDS State IEU personnel participate in OSEP, NECTAC, and NERRC teleconferences as frequently as possible. CDS applied for and was chosen by ECO to be part of the framework partnership work that was completed during FFY 2010. In addition to the framework, Maine is taking part in the ENHANCE research project to study the quality of information being produced through the COSF process. Three regional sites are working with SRI International to complete this work.

As required by OSEP's June 2010 determination letter, CDS State IEU regularly uses TA materials provided on the SPP/APR calendar for all indicators including C1, C7, C8a, C8c, and C9 for State use or to provide TA to our regional sites. Actions or activities that resulted due to the technical assistance received are indicated in each indicator of this report.

§303.702(b) requires each State to report annually to the public on the performance of each Early Intervention Service (EIS) program located in the State on the targets in the State's performance plan, "as soon as practicable but no later than 120 days" following the State's APR submission. The following table is posted online with the APR and serves as public reporting and includes the target and performance of each EIS program for Indicators 1-8 in FFY 2010:

CDS Regional Sites	C1 Target	C2 Target	C3a Target SS1 & SS2:		C3b Target SS1 & SS2:		C3c Target SS1 & SS2:		C4 Target			C5 Target	C6 Target	C7 Target	C8a Target	C8b Target	C8c Target
	100%	95%	53%	41%	60%	27%	53%	38%	91%	91%	91%	0.82%	2.81%	100%	100%	100%	100%
Aroostook County	97%	90%	39%	39%	40%	22%	67%	39%	NA	NA	NA	0.85%	1.99%	25%	100%	100%	100%
CDS Reach	95%	98.9%	46%	66%	40%	33%	65%	59%	NA	NA	NA	0.52%	2.3%	87.5%	94%	100%	95%
CDS First Step	99%	94.4%	41%	53%	61%	37%	56%	57%	94%	78%	78%	0.51%	2.93%	87.25%	84%	100%	93%
Two Rivers	100%	89.3%	44%	60%	49%	41%	62%	52%	NA	NA	NA	0.3%	1.5%	92.13%	84%	100%	94%
Mid-coast Regional CDS	98%	94.3%	46%	38%	62%	34%	58%	34%	94%	94%	94%	0.25%	2.44%	94.25%	72%	100%	94%
Opportunities	99%	78.2%	41%	53%	48%	23%	45%	36%	NA	NA	NA	0.89%	3.11%	80.2%	92%	100%	94%
Project PEDS	100%	90.4%	50%	58%	66%	46%	54%	61%	91%	87%	87%	0.60%	2.32%	93.86%	83%	100%	88%
Child Development Services Downeast	97%	54.2%	18%	0%	46%	0%	27%	0%	90%	91%	91%	0.62%	2.64%	95.16%	84%	100%	84%
York County	100%	98.6%	0%	0%	67%	0%	100%	33%	86%	100%	100%	0.44%	2.43%	68.97%	92%	100%	94%
State Totals	99%	90.6%	42%	52%	52%	33%	56%	48%	90%	92%	92%	0.52%	2.37%	84.56%	87%	100%	93%

NA = data not available, see Indicator 4

Public Reporting for FFY 2008- 2010: <http://www.maine.gov/education/speced/spp/cdsprofiles.html>

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services, including the reasons for delays.

FFY	Measurable and Rigorous Target
FFY 2010	100%

**Actual Target Data for FFY 2010:**

99%
-----

Data were collected from the State database (Case-e) for all children for the reporting period of July 1, 2010 through June 30, 2011. Data were verified through comparison with monthly compliance reports generated and submitted by regional sites. Then, the CDS State IEU generated monthly reports from the data system to verify against regional site reports. Discrepancies were shared with regional site directors and follow-up was required at the regional site-level to ensure correct data.

**Infants and Toddlers with IFSPs who receive Early Intervention Services in a Timely Manner:**

a. Number of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	1651
b. Total number of infants and toddlers with IFSPs	1675
Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner (Percent = [(a) divided by (b)] times 100)	99%

Reasons for Delay	Count
CDS (no delay reason was given and/or delay was caused by regional site/ staff)	6
No available openings	10
No provider available	8
Provider interruption	0
Total	24
No available openings – Provider is available but has no time available. No provider available – No provider is available.	

**Public Reporting of APR Data:**

Site	% Timely
Aroostook County	97%
CDS Reach	95%
CDS First Step	99%
Two Rivers	100%
Mid-coast Regional CDS	98%
Opportunities	99%
Project PEDS	100%
Child Development Services Downeast	97%
York County	100%
<b>State Total</b>	<b>99%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

While Maine did not reach its target, the State has increased the level of compliance since the FFY 2006 year (95.4%), the FFY 2007 year (94.5%), the FFY 2008 year (91%), and the FFY 2009 year (92.9%).

A variety of activities have occurred at both the State and regional site level to ensure infants and toddlers receive timely services. In addition to the activities listed below, personnel from the CDS State IEU, including some regional site staff and the Part C Technical Advisor, participated in national and state focused TA activities. TA was received from NERRC and NECTAC through webinars, phone conversations and review of information posted on websites. Pertinent information was shared with regional site directors via email, at their monthly Director's Council meetings, or through the Lunch and Learn format. Lunch and Learn sessions occur on a weekly basis, are about an hour long, and are available to regional site personnel via teleconference. Each week a different topic is addressed. The largest part of TA that occurred came directly from Dathan Rush and M'Lisa Sheldon.

Activities initiated or required by the CDS State IEU over the last year included:

- The CDS State IEU reviewed unmet needs reports submitted by the regional sites monthly and compared it to the unmet needs report and data compiled by the CDS State IEU office. If discrepancies were found in the data, a conversation occurred with the regional site director to determine what the conflict was. The reports were also reviewed at the regional site director's monthly council meeting.
- The CDS State Data Manager trains regional site directors and regional site office operation managers on what information is required to be entered into the data system to ensure accurate reports from both the regional site and the State level. For example, training has been provided to emphasize the requirement of tying a service provider to an entered service.
- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction, the data submitted was reviewed and verified using the data system and/or through a file review. For findings that were child-specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site to ensure the child received the services documented on the IFSP.
- To ensure effective implementation of the Evidence Based Early Intervention Model, the CDS State IEU has continued to provide funding for the Part C Technical Advisor position to support and guide regional Part C Teams. In addition to the Part C Technical Advisor, the CDS State IEU has provided opportunities for national trainers to provide webinars which included how to effectively structure teams and how to determine the proper Primary Provider to ensure children's needs are being met effectively.

Activities completed by the Part C Technical Advisor:

- Presentations were made to a variety of groups to explain and clarify the process that CDS uses for early intervention. The presentation involved a special emphasis on the Child Find to IFSP 45-day timeline and the importance of timely service delivery. A presentation at the Maine Newborn Hearing program conference (10/15/10) was attended by many Part C team members and providers.
- A document, The Maine CDS Early Intervention (Part C) Process, was developed to serve as a training tool for Part C personnel. This document clarifies each step in the process and the actions, documents, and data to be recorded for each step. This document, and the system-wide forms that have been developed to go with it, assist personnel in documenting and tracking the work done. Trainings were presented using this document for the York County team (2/16/11) and the Mid-Coast Regional CDS team (3/16/11).
- Coaching logs and reviews of those logs have been completed with Part C personnel at several regional sites over a six-month period during 2010 and 2011. Discussions during log reviews often focused on increasing the efficiency of the early intervention team service delivery process to ensure that levels of service and numbers of providers directly serving each child/family are appropriate in order to increase service availability.
- A joint Part C/Part B presentation was given at Opportunities (3/14/11) to address ways to increase availability of services for children and their families.
- Lunch and Learn presentations on the 3<sup>rd</sup> Thursday of each month frequently addressed issues related to timely service delivery.

Activities completed by regional sites:

- One regional site hired an additional certified special education teacher to provide early intervention services. They also added a speech/language and occupational therapist to their Part C Team.
- Another site has arranged their staff so that one person processes all referrals and places children in approved services. This has created efficiency by having one point of contact for both contracted professionals and staff therapists to report openings. Children are assigned according to the date the service was added to the child's IFSP. The 30-day timeline (Maine requirement) is carefully monitored so that an interim plan can be developed if the approved service is not available. To ensure effective use of time (service vs. travel time), therapists' schedules are monitored and reviewed prior to making assignments.



- At another regional site, unmet needs are discussed at monthly staff meetings, weekly Early Intervention meetings, and Part C quarterly meetings. The regional site also provided staff training on ensuring timeliness of service for children.
- In some areas of the State, regional sites have been able to find contracted providers willing to be full members of the Part C Evidence Based Early Intervention Teams. They serve as the Primary Provider, travel to families' homes, attend all relevant Early Intervention (EI)/ Part C team meetings, and provide consultation when needed.
- When able, regional sites have shared staff to assist in meeting the needs of children per their IFSP.

**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 92.9%

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009, through June 30, 2010)	1
2. Number of FFY 2009 findings the State verified as timely corrected (verified as corrected within one year from the date of notification to the EIS program of the finding)	1
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Actions Taken if Noncompliance Not Corrected:**

All findings of noncompliance for FFY 2009 have been timely corrected.

**Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

Prior to considering any finding from FFY 2009 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed **subsequent** updated data from Case-e, performed on-site file reviews, and verified **subsequent** data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

Through Case-e, CDS was also able to verify that each child received services, although late.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

**Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):**

1. Number of remaining uncorrected FFY 2008 findings of noncompliance noted in OSEP's June 2011, FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2008 findings the State has verified as corrected	1
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	0

**Verification of Correction of Remaining FFY 2008 findings:**

Prior to considering any finding from FFY 2008 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

Through Case-e, CDS was also able to verify that each child received services, although late.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):**

1. Number of remaining uncorrected FFY 2007 findings of noncompliance noted in OSEP's June 2011, FFY 2009 APR response table for this indicator	5
2. Number of remaining FFY 2007 findings the State has verified as corrected	2
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	3

**Actions Taken if Noncompliance Not Corrected:**

For FFY 2007 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2007 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when

necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

#### **Verification of Correction of Remaining FFY 2007 findings:**

Prior to considering any finding from FFY 2007 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

#### **Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

Through Case-e, CDS was also able to verify that each child received services, although late.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

#### **Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>While CDS data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance identified in FFYs 2007 and 2008 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" and "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" sections above.</p>
<p>The State must demonstrate, in the FFY 2010 APR, that the remaining one uncorrected noncompliance finding identified in FFY 2008 and the remaining five uncorrected noncompliance findings identified in FFY 2007 were corrected.</p>	<p>CDS reports on the correction of noncompliance identified in FFY 2008 and FFY 2007 in the "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" and "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" sections above.</p>
<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator and that each EIS program with remaining noncompliance identified in FFY 2008 and identified in FFY 2007: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>CDS reports on the verification of correction of noncompliance identified in FFYs 2007 and 2008 consistent with OSEP Memorandum 09-02 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" and "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" sections above.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 2:** Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:** Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings) divided by the (total # of infants and toddlers with IFSPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2010	95%

## Actual Target Data for FFY 2010:

91%
-----

Data were collected from the State database (Case-e) for the reporting period of July 1, 2010 through June 30, 2011.

## Public Reporting of APR Data:

Site	% Typical
Aroostook County	90%
CDS Reach	99%
CDS First Step	94%
Two Rivers	89%
Mid-coast Regional CDS	94%
Opportunities	78%
Project PEDS	90%
Child Development Services Downeast	54%
York County	99%
<b>State Totals</b>	<b>91%</b>

91% = [(843 received EIS in the home or community-based settings) ÷ (930 with IFSPs)] times 100

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

While Maine did not reach its target, the State has increased the level of performance since the FFY 2006 year (85%), the FFY 2007 year (87%), the FFY 2008 year (90%), and the FFY 2009 year (85%).

A variety of activities have occurred at both the State and site level to ensure infants and toddlers are provided services within their natural environments.

Activities initiated or required by the CDS State IEU over the last year have included:

- Over the entire FFY 2010 reporting year, the CDS State IEU funded a Part C Technical Advisor position to work with all regional sites and Part C teams to ensure fidelity and compliance to regulations and the Evidence Based Early Intervention Model, which focuses on ensuring infants and toddlers are provided interventions within their natural environment with their families/ caregivers.
- Not only did regional sites have the opportunities to be mentored and educated by the Part C Technical Advisor, the State also continued to contract with National Leaders, Dathan Rush and M'Lisa Sheldon, on the Evidence Based Early Intervention Model. Rush and Sheldon provided two days of webinar training to regional site teams.
- As a part of monitoring activities, the CDS State IEU monitoring team ensures that when an intervention is not provided in the natural environment there is clear justification written in the IFSP. When educating regional site staff and teams to conduct file reviews, the importance of documentation in this section is stressed.
- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction, the data submitted was reviewed and verified using the data system or through a file review. For findings that were child specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site to ensure performance requirements were met.
- TA via Lunch and Learns and at the Director's Council has been provided to ensuring clear justification is documented on why a child will receive services outside of the natural environment, and clear documentation on the process of assessing the services and creating a timeline to move the child from the restricted environment to the natural environment.

Activities completed by the Part C Technical Advisor:

- Presentations titled, "Making the Shift: Coaching and Teaming in Early Intervention" and "Evidence Based Early Intervention in Maine," provided by the Part C Technical Advisor, were given to several regional site Part C teams that were making the shift to the primary coach approach to teaming in the natural environment. These presentations, and the discussion that followed, helped to clarify the mandate for delivering services for infants and toddlers in the natural environment and the reasons for and benefits of using those settings. Discussion included natural environment options in addition to the home and other aspects of the natural environment (activities and routines) aside from settings.
- Similar presentations or briefer discussions were given to other Maine groups who are concerned with services for infants and toddlers to clarify our need and desire to serve children and families in the natural environment. Groups included: Due Process personnel, Maine Legislators at Infant-Toddler Awareness Day, Maine Infant-Toddler Initiative, Maine Newborn Hearing Program board, Community Caring Connections, Maine Association for Community Service Providers (MACSP), and MACECD.
- Discussions at log review sessions and Lunch and Learn presentations often centered on ways to increase use of the natural environment as a setting for high quality services for infants, toddlers and their families.

Activities completed by regional sites:

- Adopting the Evidence Based Early Intervention Model has assisted in ensuring that services are provided in the children's home or community setting. Consideration for a service to occur outside of the child's natural environment occurs when the child's outcome cannot be met, or

- if progress is not adequately being made, in the natural environment. If a child is provided services outside of the natural environment, the team must continue discussing placement and move the child into the natural environment at the time the home or community setting is appropriate.
- Some regional sites have been able to work collaboratively with Early Head Start areas as well as child care providers to ensure the Part C model is being implemented appropriately and to ensure children are provided services in an environment with children who are typically developing.

#### **Correction of FFY 2009 Findings of Noncompliance:**

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009, through June 30, 2010)	1
2. Number of FFY 2009 findings the State verified as timely corrected (verified as corrected within one year from the date of notification to the EIS program of the finding)	1
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

#### **Actions Taken if Noncompliance Not Corrected:**

All findings of noncompliance for FFY 2009 have been timely corrected.

#### **Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

Prior to considering any finding from FFY 2009 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing specific regulatory requirements (IDEA and MUSER) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

#### **Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and reports submitted by each regional site. The time period for which each program was required to demonstrate correction varied based on the level of noncompliance identified in the program.

Through Case-e, CDS was also able to verify that each child received services in the home or community-based setting or had documented justification for services to occur outside of the home or community-based setting.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

#### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 3:** Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

#### **Measurement:** Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

#### **Summary Statements for Each of the Three Outcomes (use for FFY 2009-2010 reporting):**

**Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

#### **Measurement for Summary Statement 1:**

Percent = # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in category (d) divided by [# of infants and toddlers reported in progress category (a) plus # of infants and toddlers reported in progress category (b) plus # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.



**Measurement for Summary Statement 2:** Percent = # of infants and toddlers reported in progress category (d) plus [# of infants and toddlers reported in progress category (e) divided by the total # of infants and toddlers reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

**Target Data and Actual Target Data for FFY 2010:**

Summary Statements	Actual FFY 2009 (% and # children)	Actual FFY 2010 (% and # children)	Target FFY 2010 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program. Formula: $c+d/a+b+c+d$	44%	42%	53%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program. Formula: $d+e/a+b+c+d+e$	42%	52%	41%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>			
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program. Formula: $c+d/a+b+c+d$	54%	52%	60%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program. Formula: $d+e/a+b+c+d+e$	27%	33%	27%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>			
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program. Formula: $c+d/a+b+c+d$	55%	56%	53%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program. Formula: $d+e/a+b+c+d+e$	39%	48%	38%

## Progress Data for Part C Children FFY 2010

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	20	7
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	87	29
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	37	12
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	39	13
e. Percent of children who maintained functioning at a level comparable to same-aged peers	116	39
<b>Total</b>	<b>N=299</b>	<b>100%</b>
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	9	3
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	114	38
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	79	26
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	55	18
e. Percent of children who maintained functioning at a level comparable to same-aged peers	43	14
<b>Total</b>	<b>N=300</b>	<b>100%</b>
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	10	3
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	86	29
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	61	20
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	62	21
e. Percent of children who maintained functioning at a level comparable to same-aged peers	80	27
<b>Total</b>	<b>N=299</b>	<b>100%</b>

**Discussion of Summary Statements and a-e Progress Data for FFY 2010:**

Data were collected from the State Child Outcome Summary Form (COSF) database for the reporting period of July 1, 2010 through June 30, 2011.

**Public reporting of APR Data:**

Site	Summary Statement A1	Summary Statement A2	Summary Statement B1	Summary Statement B2	Summary Statement C1	Summary Statement C2
Aroostook County	39%	39%	40%	22%	67%	39%
CDS Reach	46%	66%	40%	33%	65%	59%
CDS First Step	41%	53%	61%	37%	56%	57%
Two Rivers	44%	60%	49%	41%	62%	52%
Mid-coast Regional CDS	46%	38%	62%	34%	58%	34%
Opportunities	41%	53%	48%	23%	45%	36%
Project PEDS	50%	58%	66%	46%	54%	61%
Child Development Services Downeast	18%	0%	46%	0%	27%	0%
York County	0%	0%	67%	0%	100%	33%
<b>State Total</b>	42%	52%	52%	33%	56%	48%

For Outcome Summary 3a; Summary Statement 1 the data demonstrate a decrease from 43.5% in FFY 2009 to 42% in FFY 2010.

For Outcome Summary 3a; Summary Statement 2 the data demonstrate an increase from 42.1% in FFY 2009 to 52% in FFY 2010.

For Outcome Summary 3b; Summary Statement 1 the data demonstrate a decrease from 53.5% in FFY 2009 to 52% in FFY 2010.

For Outcome Summary 3b; Summary Statement 2 the data demonstrate an increase from 26.8% in FFY 2009 to 33% in FFY 2010.

For Outcome Summary 3c; Summary Statement 1 the data demonstrate an increase from 54.7% in FFY 2009 to 56% in FFY 2010.

For Outcome Summary 3c; Summary Statement 2 the data demonstrate an increase from 38.6% in FFY 2009 to 48% in FFY 2010.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

While Maine did not reach all of the targets for Summary Statements 1 and 2, Outcome A, Outcome B, and Outcome C. However, the State has increased the level of performance since the FFY 2009 year for Summary Statement 2, Outcome A, Outcome B, and Outcome C.

A variety of activities have occurred at both the State and regional site level to ensure infants and toddlers demonstrate improved outcomes.

Activities initiated or required by the CDS State IEU over the last year have included:

- Continued training and TA on data collection to CDS regional sites in the form of Lunch and Learn sessions on completing the form, resources, importance of accurate ratings, and user specific training.
- CDS State IEU enhanced the data collection system by continued development of a web based version of the State's COSF.
- Identifying and addressing data quality issues by review of each COSF submitted. If information is omitted, misplaced, incomplete, or unclear, the form is returned to the Case Manager for completion and resubmitted.
- Maine continued its commitment as a Partner state of the Outcomes Measurement System Framework and Self-Assessment Project [http://www.fpg.unc.edu/~eco/pages/frame\\_dev.cfm](http://www.fpg.unc.edu/~eco/pages/frame_dev.cfm).
- The CDS State IEU Policy Manager presented during a plenary session at the 2010 Outcomes Conference on Maine's Outcome History and participation in the Outcomes Measurement System Framework and Self-Assessment Project.
- The CDS State IEU personnel who manage and facilitate the outcomes data participated in the COSF Data Community of Practice.
- Maine also participates in the Early Childhood Outcomes Center Enhance project.
- The numbers of COSFs submitted to the CDS State IEU continues to increase annually.

Activities completed by the Part C Technical Advisor:

- Discussions at log review sessions and Lunch and Learn presentations throughout the year addressed various aspects of the coaching process that help to increase the family's competence, confidence, and capacity to provide learning opportunities for their child with a disability. Topics of discussion included increasing helpful parent responsiveness to child behaviors and using family routines and activities as opportunities to increase child knowledge and skills.
- Presentations to site EIS teams addressed evidence-based approaches to service delivery with discussions of specific issues whenever questions arose.
- Information on early intervention publications, workshops, etc. was disseminated to regional site teams.

Activities completed by regional sites:

- Participated in Lunch and Learns facilitated by the CDS State IEU.
- At some regional sites, the regional site director or team leader reviewed the COSF forms prior to submission to the CDS State IEU.
- A few regional sites have done site level training on the importance and correlation of COSFs and progress reports.

**Correction of FFY 2009 Findings of Noncompliance:**

4. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009, through June 30, 2010)	2
5. Number of FFY 2009 findings the State verified as timely corrected (verified as corrected within one year from the date of notification to the EIS program of the finding)	2
6. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Actions Taken if Noncompliance Not Corrected:**

All findings of noncompliance for FFY 2009 have been timely corrected.

**Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

Prior to considering any finding from FFY 2009 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing specific regulatory requirements (IDEA and MUSER) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and reports submitted by each regional site. The time period for which each program was required to demonstrate correction varied based on the level of noncompliance identified in the program.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 4:** Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

(20 USC 1416(a)(3)(A) and 1442)

#### Measurement:

- A. Percent =  $[(\# \text{ of respondent families participating in Part C who report that early intervention services have helped the family know their rights}) \div (\# \text{ of respondent families participating in Part C})] \times 100$ .
- B. Percent =  $[(\# \text{ of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs}) \div (\# \text{ of respondent families participating in Part C})] \times 100$ .
- C. Percent =  $[(\# \text{ of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn}) \div (\# \text{ of respondent families participating in Part C})] \times 100$ .

#### Target Data and Actual Target Data for FFY 2010:

Target Data and Actual Target Data	FFY 2010 Target	FFY 2010 Actual	
<i>A. Know their rights</i>	91%	$[(84) / (93)] * 100$	90%
<i>B. Effectively communicate their children's needs</i>	91%	$[(80) / (87)] * 100$	92%
<i>C. Help their children develop and learn</i>	91%	$[(80) / (87)] * 100$	92%

Maine Parent Federation (MPF) collected data in the spring of 2011. As part of the General Supervision System (GSST) processes for the five regional sites monitored in FFY 2010, all families of children receiving services through those regional sites (Part C and 619) received a parent survey. 530 Part C surveys were sent to families throughout regional sites (28 were returned due to incorrect mailing information) and 96 were returned, yielding a return rate of 18%. This return rate is lower than last year's 25%; however, it is a better return rate than previous years (FFY 2007 and FFY 2008 - 16%). In review of the data, the CDS State IEU has determined the response group is representative of the CDS system.

Surveys		
Sent	Received	%
530	96	18

**Public reporting of APR Data:**

Site	A	B	C
CDS First Step	94%	78%	78%
Mid-coast Regional CDS	94%	94%	94%
Project PEDS	91%	87%	87%
Child Development Services Downeast	90%	91%	91%
York County	86%	100%	100%
<b>State Total</b>	<b>90%</b>	<b>92%</b>	<b>92%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

While Maine did not reach the target for indicator 4A, the State did meet the target for 4B and 4C. All three areas demonstrate an increase in performance since the FFY 2006 year (76%, 85%, 88%), the FFY 2007 year (85%, 79%, 85%), the FFY 2008 year (88%, 92%, 92%), and the FFY 2009 year (76%, 82%, 82%).

Activities initiated or required by the CDS State IEU over the last year included:

- Maine continued to contract with MPF to conduct the survey for the 2010-2011 and subsequent school years due to a lack of sufficient resources within MDOE to complete the survey. MPF mailed three surveys (Part C - birth to 2, Part B 619 for ages 3-5, and Part B school-age 5-20) along with a cover letter from CDS/MDOE. All three surveys were accessed online through Survey Monkey. The links to the three surveys were posted on the MPF website home page and on the MPF website's survey page. Parents also had the option to mail their completed survey to MPF or to call the MPF office for assistance in completing the survey. Surveys that were returned by mail or completed over the phone were entered into Survey Monkey by MPF staff. The data were electronically captured from each of the surveys. The survey administered was the same survey used in previous years.
- MPF has the capability and resources to provide parents with education on the contents and meaning of the survey. This outreach may have provided MDOE with a more accurate representation of parents' perceptions as parents were provided with more information on which to base their survey answers.
- CDS has been concerned about the reading level and applicability of some of the questions on the survey. In a joint effort between MPF and the MDOE B-20 GSST Team, improvements to the survey and the process of survey administration are under way. The improved survey will be available for distribution during the 2011-2012 school year.

Activities completed by the Part C Technical Advisor:

- Regional site trainings, presentations, coaching log review sessions, and Lunch and Learn sessions have all emphasized working with family members in accordance with the tenets of true family-centered practice.
- Sections of the Early Intervention process document emphasize the importance of explaining the Family Educational Rights and Privacy Act (FERPA) rules and Procedural Safeguards in discussions with family members, as well as ways to help families explore and express their concerns, needs, and priorities related to child(ren) and family needs. These topics have also been part of regional site-level discussions and log review sessions.

Activities completed by regional sites:

- Regional site participated in a training held by the MPF on working with families.
- All sites participated in a Lunch and Learn with the MDOE Assistant Attorney General on HIPPA, FERPA and Procedural Safeguards.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 5:** Percent of infants and toddlers birth to 1 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of infants and toddler birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to national data.

FFY	Measurable and Rigorous Target
FFY 2010	0.82%

## Actual Target Data for FFY 2010:

.52%
------

Data were collected from the State database (Case-e) for the reporting period of July 1, 2010 through June 30, 2011.

## Public Reporting of APR Data:

Site	% Pop
Aroostook County	0.85%
CDS Reach	0.52%
CDS First Step	0.51%
Two Rivers	0.3%
Mid-coast Regional CDS	0.25%
Opportunities	0.89%
Project PEDS	0.6%
Child Development Services Downeast	0.62%
York County	0.44%
<b>State Total</b>	<b>0.52%</b>

.52% = [(71 < 1yr) ÷ (13627 <1 pop)] times 100 **compared to 1.03%**

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

The percent of infants and toddlers birth to 1 with IFSPs in Maine for FFY 2010 is 0.52%, compared to the national average of 1.03%. Maine did not reach its target; and the percentage has decreased since the FFY 2009 (.64%) year. Previous years' performance data are as follows: the FFY 2006 year (.64%), the FFY 2007 year (.71%), and the FFY 2008 year (.52%).



Although not meeting the target and demonstrating a slight decrease since FFY 2009, the CDS system has done a great deal of work to ensure the community and public are aware of CDS and the procedure for making referrals to CDS.

Activities initiated or required by the CDS State IEU over the last year have included:

- CDS State IEU personnel have participated in a variety of stakeholder groups, initiatives, and collaborations that focus on and work with infant and toddlers and shared information about early intervention.
- The CDS brochure (<http://www.maine.gov/education/speced/cds/documents/CDStrifold.pdf>), which describes the various services and resources provided by CDS has been updated and made available for use with child care professionals, referral sources, pediatricians, etc.
- Maine continues to have a definition for Part C which was considered narrow by OSEP standards when OSEP was defining.
- MDOE/ CDS and the Department of Health and Human Services (DHHS) continue to work from the Interagency Agreement signed in October of 2010 (<http://www.maine.gov/education/speced/cds/documents/Interagencyagreement2010.pdf>).
- CDS Central Referral Coordinator position has been in place since fall of 2010. The Central Referral Coordinator initiates outreach to agencies that refer to CDS, and has reviewed and revised the referral form (<http://www.maine.gov/education/speced/cds/documents/ChildFindIntakeForm.doc>) and process utilized to refer to CDS. Individuals who refer now may call the regional site or the toll free Central Referral Line. The Central Referral Coordinator has worked closely with the Neonatal Intensive Care Unit (NICU) providers.
- CDS planned to initiate a Public Relations (PR) campaign in regards to Part C, but that was eliminated due to budget restraints.

Activities completed by the Part C Technical Advisor:

- Met quarterly and continued to work with Maine Newborn Hearing Personnel to clarify and improve the process for establishing eligibility and appropriate early intervention services for infants with hearing loss by the age of six months.
- Continuing discussions with Early Childhood and Family Services to promote collaboration in their early intervention efforts with the above population of infants.
- Attended the Early Hearing Detection and Intervention (EHDI) conference with DHHS personnel to better understand the process of referral and eligibility to services for hearing impaired infants.
- Met with personnel from Blood Spot Screening and Birth Defects programs of Children with Special Health Needs (CSHN) to clarify and improve the referral process for the families of infants that they identify. Forty-six referrals were received within one month of that meeting.
- Met with the medical staff of a large practice to discuss referrals and services for infants.
- Made presentations to several groups involved with services to infants and their families.
- Participated in the Infant-Toddler Awareness Day in the Hall of Flags at the State House to increase the Maine Legislature's and public's awareness of the services available to infants and their families.

Activities completed by regional sites:

- One regional site worked with local pediatricians; this has improved the number of referrals received at the regional site for children aged 0-1.
- In addition to the CDS system brochure, some regional sites have created regional brochures describing Part C and the Evidence Based Early Intervention Model. One site has mailed their regional brochure with a cover letter to all area physicians and has plans for a mailing to all childcare programs.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 6:** Percent of infants and toddlers birth to 3 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of infants and toddler birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to national data.

FFY	Measurable and Rigorous Target
FFY 2010	2.81%

**Actual Target Data for (FFY 2010):**

2.37%
-------

Data were collected from the State database (Case-e) for the reporting period of July 1, 2010 through June 30, 2011.

## Public Reporting of APR Data:

Site	% Pop
Aroostook County	1.99%
CDS Reach	2.3%
CDS First Step	2.93%
Two Rivers	1.5%
Mid-coast Regional CDS	2.44%
Opportunities	3.11%
Project PEDS	2.32%
Child Development Services Downeast	2.64%
York County	2.43%
<b>State Total</b>	<b>2.37%</b>

2.37% = [(930) ÷ (39241 pop)] times 100 compared to 2.82%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

The percent of infants and toddlers birth to 3 with IFSPs in Maine for FFY 2010 is 2.37%, compared to the national average of 2.82%. While Maine did not reach its target, the State has increased the percentage since the FFY 2009 year (2.29%). Previous years' performance data are as follows: FFY 2006 year (2.51%), the FFY 2007 year (2.38%), the FFY 2008 year (2.29%).

Although not meeting the target, the CDS system has done a great deal of work to ensure the community and public are aware of CDS and the procedure for making referrals to CDS.

Activities initiated or required by the CDS State IEU over the last year have included:

- CDS State IEU personnel have participated in a variety of stakeholder groups, initiatives, and collaborations that focus on and work with infant and toddlers and shared information about early intervention.
- The CDS brochure, which describes the various services and resources provided by CDS has been updated and made available for use with child care professionals, referral sources, pediatricians, etc.
- Maine continues to have a definition for Part C which was considered narrow by OSEP standards when OSEP was defining.
- MDOE/ CDS and the Department of Health and Human Services (DHHS) continue to work from the Interagency Agreement signed in October of 2010 (<http://www.maine.gov/education/speced/cds/documents/Interagencyagreement2010.pdf>).
- CDS Central Referral Coordinator position has been in place since fall of 2010. The Central Referral Coordinator initiates outreach to agencies that refer to CDS, and has reviewed and revised the referral form and process utilized to refer to CDS. Individuals who refer now may call the regional site or the toll free Central Referral Line. The Central Referral Coordinator has worked closely with the Neonatal Intensive Care Unit (NICU) providers.
- CDS planned to initiate a Public Relations (PR) campaign in regards to Part C, but that was eliminated due to budget restraints.

Activities completed by the Part C Technical Advisor:

- Met quarterly and continued to work with Maine Newborn Hearing Personnel to clarify and improve the process for establishing eligibility and appropriate early intervention services for infants with hearing loss by the age of six months.
- Continuing discussions with Early Childhood and Family Services to promote collaboration in their early intervention efforts with the above population of infants.
- Attended the Early Hearing Detection and Intervention (EHDI) conference with DHHS personnel to better understand the process of referral and eligibility to services for hearing impaired infants.
- Met with personnel from Blood Spot Screening and Birth Defects programs of Children with Special Health Needs (CSHN) to clarify and improve the referral process for the families of infants that they identify. Forty-six referrals were received within one month of that meeting.
- Met with the medical staff of a large practice to discuss referrals and services for infants.
- Made presentations to several groups involved with services to infants and their families.
- Participated in the Infant-Toddler Awareness Day in the Hall of Flags at the State House to increase the Maine Legislature's and public's awareness of the services available to infants and their families.
- Several articles of public awareness and public relations materials were developed and disseminated to groups throughout the year.
- The CDS brochure was revised to better reflect changes in services to infants and toddlers and their families (<http://www.maine.gov/education/speced/cds/documents/CDStrifold.pdf>).

Activities completed by regional sites:

- The most northern regional site showed an increase of children found eligible annually since 2008. One reason for this consistent increase is the continued collaboration and education with the Early Head Start Program in the area.
- In addition to the State CDS brochure, some regional sites have created regional brochures describing Part C and the Evidence Based Early Intervention Model. One site has mailed their regional brochure with a cover letter to all area physicians and has plans for a mailing to all childcare programs.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

### Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### Measurement:

Percent = [(# of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline) divided by the (# of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted)] times 100.

Account for untimely evaluations, assessments, and initial IFSP meetings, including the reasons for delays.

FFY	Measurable and Rigorous Target
(FFY 2010)	100%

#### Actual Target Data for FFY 2010:

85%
-----

Data were collected from the State database (Case-e) for all children for the reporting period of July 1, 2010 through June 30, 2011. Data were verified through comparison with monthly compliance reports generated and submitted by regional sites. Then, the CDS State IEU generated monthly reports from the data system to verify against regional site reports. Discrepancies were shared with regional site directors and follow-up was required at the regional site-level to ensure correct data.

#### Infants Evaluated and Assessed and provided an Initial IFSP meeting Within Part C's 45-day timeline:

a. Number of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline	772
b. Number of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted	913
Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day	85%

timeline (Percent = [(a) divided by (b)] times 100)	
---	--

Reasons for delay	# of children
CDS (no delay reason was given and/or delay was caused by regional site/ staff)	130
Family	43
Provider	11

**Public Reporting of APR Data:**

Site	%
Aroostook County	25%
CDS Reach	88%
CDS First Step	87%
Two Rivers	92%
Mid-coast Regional CDS	94%
Opportunities	80%
Project PEDS	94%
Child Development Services Downeast	95%
York County	69%
<b>State Total</b>	<b>85%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

While Maine did not reach its target, the State has increased the level of compliance since the FFY 2009 year (64.6%). Previous year's compliance data are as follows: FFY 2006 year (91%), the FFY 2007 year (91.1%), the FFY 2008 year (70%).

Although not yet meeting target, CDS as a system has shown significant growth in ensuring timelines are met for infants and toddlers. A variety of activities have occurred at both the State and regional site level to ensure eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. In addition to the activities listed below, personnel from the CDS State IEU including some regional site staff and the Part C Technical Advisor participated in national and state focused TA activities. TA was received from NERRC and NECTAC through webinars, phone conversations, and a review of information posted on websites. Pertinent information was shared with regional site directors via email, at their monthly Director's Council meetings, or through the Lunch and Learn format. Lunch and Learn sessions occur on a weekly basis, are about an hour long, and are available to regional site personnel via teleconference. Each week a different topic is addressed.

Activities initiated or required by the CDS State IEU over the last year have included:

- The CDS State IEU reviews compliance reports submitted by the regional sites monthly and compares them to the compliance reports and data compiled at the State office. If there are discrepancies in the data, a conversation occurs with the regional site director to determine the conflict. The reports are also reviewed monthly at the regional site director's council meeting.
- A timeline tracker is now available within our data system. Testing of the tracker has been completed to ensure it calculates dates correctly according to the State timeline. Several regional sites have used the timeline tracker since the testing and informal training that occurred in FFY

2010. Training will occur in the winter of FFY 2011 for all regional sites. After required training, the timeline tracker will be mandatory.

- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction, the data submitted were reviewed and verified using the data system or through a file review. For findings that were child-specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site, to ensure the child subsequently had an evaluation/ assessment and an IFSP was developed, even though later than the 45-day timeline.

Activities completed by the Part C Technical Advisor:

- A primary focus of the Early Intervention Process (<http://www.maine.gov/education/speced/cds/documents/PartCProcessChart.doc>) document is to clarify the timeline, steps, and documentation of our work with families from Child Find to the development of the IFSP within 45 days of referral. Workshops and trainings using this document were begun with a presentation to York County last year and continue this year with the new forms integrated into the process.
- Improvements in scheduling and communication with providers and family members are emphasized in trainings to increase the efficient use of staff and provider time during the process. New forms also address this issue.
- On-site training and coaching log review sessions often included discussion of ways to address barriers to meeting the 45-day timeline.

Activities completed by regional sites:

- One site has increased the number of staff trained to administer the Battelle Developmental Inventory 2.
- One site discusses timelines during all relevant staff meetings.

**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 64.6%

While CDS' data were 64.6%, all programs identified with noncompliance have longstanding findings with this indicator that have not yet been verified as corrected. CDS did not make new findings of noncompliance in FFY 2009 but used the FFY 2009 data to further inform the corrective actions required by the programs to ensure correction of the longstanding noncompliance.

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009, through June 30, 2010)	0
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	0
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Actions Taken if Noncompliance Not Corrected:**

There were no new findings of noncompliance made for Indicator 7 in FFY 2009. See below for prior year with noncompliance.

**Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

There were no new findings of noncompliance made for Indicator 7 in FFY 2009. See below for prior year with noncompliance.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

There were no new findings of noncompliance made for Indicator 7 in FFY 2009. See below for prior year with noncompliance.

**Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable):**

1. Number of remaining FFY 2007 findings of noncompliance noted in OSEP's June 2011, FFY 2009 APR response table for this indicator	<b>3</b>
2. Number of remaining FFY 2007 findings the State has verified as corrected	<b>0</b>
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	<b>3</b>

**Actions Taken if Noncompliance Not Corrected:**

For FFY 2007 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2007 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

**Verification of Correction of FFY 2007 noncompliance (either timely or subsequent):**

CDS State IEU was unable to verify correction of noncompliance for Indicator 7 for FFY 2007.



**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

**CDS State IEU was unable to verify correction of noncompliance for Indicator 7 for FFY 2007.**

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<p><b>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</b></p>	<p>While CDS data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" section above.</p>
<p><b>The State must demonstrate, in the FFY 2010 APR, that the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected.</b></p>	<p>CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" section above.</p>
<p><b>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator and that each EIS program with remaining noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</b></p>	<p>CDS reports on the verification of correction of noncompliance identified in FFY 2007 consistent with OSEP Memorandum 09-02 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" section above.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**



**Part C State Annual Performance Report (APR) for FFY 2010****Monitoring Priority: Effective General Supervision Part C / Effective Transition**

**Indicator 8A:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

A IFSPs with transition steps and services

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<i>FFY 2010</i>	<i>100%</i>

**Actual Target Data for FFY 2010:**

<i>87%</i>
------------

Data were collected from the State database (Case-e) for all children for the reporting period of July 1, 2010 through June 30, 2011. Data were verified through comparison with monthly compliance reports generated and submitted by regional sites. Then, the CDS State IEU generated monthly reports from the data system to verify against regional site reports. Discrepancies were shared with regional site directors and follow-up was required at the regional site-level to ensure correct data.

**Children Exiting Part C who Received Timely Transition Planning:**

a. Number of children exiting Part C who have an IFSP with transition steps and services	<b>515</b>
b. Number of children exiting Part C	<b>590</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Percent = [(a) divided by (b)] times 100)	<b>87%</b>

**Public Reporting APR Data:**

Site	%
Aroostook County	100%
CDS Reach	94%
CDS First Step	84%
Two Rivers	84%
Mid-coast Regional CDS	72%
Opportunities	92%
Project PEDS	83%
Child Development Services Downeast	84%
York County	92%
<b>State Total</b>	<b>87%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

Maine did not reach its target and the State has slightly increased the level of compliance since the FFY 2009 year (86.6%). Previous years compliance data are as follows: FFY 2006 year (69%), the FFY 2007 year (83.5%), and the FFY 2008 year (79%).

A variety of activities have occurred at both the State and regional site level to ensure all children exiting Part C received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday, including documented transition steps and services within the IFSP. In addition to the activities listed below, personnel from the CDS State IEU, including some regional site staff and the Part C Technical Advisor, participated in national and state focused TA activities. TA was received from NERRC and NECTAC through webinars, phone conversations, and review of information posted on websites. Pertinent information was shared with regional site directors via email, at their monthly Director's Council meetings, or through the Lunch and Learn format. Lunch and Learns sessions occur on a weekly basis, are about an hour long, and are available to regional site personnel via teleconference. Each week a different topic is addressed.

Activities initiated or required by the CDS State IEU over the last year have included:

- The CDS State IEU has developed an electronic focus audit form specific to transition that is used within monitoring visits. The audit form has also been made available to regional sites to use in staff training, when doing self-assessments, and as a training tool with staff.
- Participated in TA opportunities related to transition, as provided by OSEP.
- Communicated with Part C Technical Advisor regularly on what barriers the field was having in relation to transition.
- Discussed the importance of the transition requirements at the monthly Director's Council meeting. At the Director's Council meetings Directors were encouraged to communicate best practice ideas and the barriers they were encountering at their sites.
- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction, the data submitted were reviewed and verified using the data system or through a file review. For findings that were child-specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site to ensure the child's IFSP had documented transition steps and services.

Activities completed by the Part C Technical Advisor:

- Several Lunch and Learn sessions addressed the requirements of the C to B transition process and documentation.

- Two-session trainings were presented at two regional sites in December 2010, February 2011, and March of 2011 to clarify the transition for C and B personnel.
- Participated in an OSEP call and reviewed information from the Q&A related to transition.
- Amended Administrative Letter #16 (<http://www.maine.gov/education/speced/cds/adminltrs/adminlet16.pdf>) that addresses transition to clarify the process especially as it relates to late referrals to Part C. (This draft is still in the review process.)
- Participated in a regional site focused file review of this indicator.
- Included transition information in the EIS Process document.
- Assisted in the development of new forms to support documentation of the transition.

Activities completed by regional sites:

- Participated in Lunch and Learns.
- One regional site arranged their case management positions so that one case manager would function as a Part C to Part B bridge case manager. Her role was to ensure all necessary requirements were met for children within transition age.

**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 86.6%

While CDS' data were 86.6%, all programs identified with noncompliance have longstanding findings with this indicator that have not yet been verified as corrected. CDS did not make new findings of noncompliance in FFY 2009 but used the FFY 2009 data to further inform the corrective actions required by the programs to ensure correction of the longstanding noncompliance.

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009, through June 30, 2010)	0
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	0
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:**

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2009 findings <u>not</u> verified as corrected [(4) minus (5)]	0

**Actions Taken if Noncompliance Not Corrected:**

There were no new findings of noncompliance made for Indicator 8A. See below for prior year with noncompliance.

**Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

There were no new findings of noncompliance made for Indicator 8A. See below for prior year with noncompliance.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

There were no new findings of noncompliance made for Indicator 8A. See below for prior year with noncompliance.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):**

1. Number of remaining FFY 2007 findings of noncompliance noted in OSEP's June 2010, FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	1

**Actions Taken if Noncompliance Not Corrected:**

For FFY 2007 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2007 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

**Verification of Correction of Remaining FFY 2007 findings:**

CDS State IEU was unable to verify correction of noncompliance for Indicator 8A for FFY 2007.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

**CDS State IEU was unable to verify correction of noncompliance for Indicator 8A for FFY 2007.**

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<p><b>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</b></p> <p><b>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</b></p>	<p>While CDS data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" section above.</p>
<p><b>The State must demonstrate, in the FFY 2010 APR, that the remaining one uncorrected noncompliance finding identified in FFY 2007 was corrected.</b></p>	<p>CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" section above.</p>
<p><b>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator and the EIS program with the remaining noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</b></p>	<p>CDS reports on the verification of correction of noncompliance identified in FFY 2007 consistent with OSEP Memorandum 09-02 in the "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):" section above.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8B:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

A Notification to LEA, if child potentially eligible for Part B;

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

FFY	Measurable and Rigorous Target
FFY 2010	100%

**Actual Target Data for FFY 2010:**

100%
------

Data were collected from the State database (Case-e) for all children for the reporting period of July 1, 2010 through June 30, 2011. Data were verified through comparison with monthly compliance reports generated and submitted by regional sites. Then, the CDS State IEU generated monthly reports from the data system to verify against regional site reports. Discrepancies were shared with regional site directors and follow-up was required at the regional site-level to ensure correct data.

**Children Exiting Part C who Received Timely Transition Planning (Notification to LEA):**

a. Number of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred	590
b. Number of children exiting Part C who were potentially eligible for Part B	590
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their	100%

third birthday (Notification to LEA) (Percent = [(a) divided by (b)] times 100)	
---	--

**Public Reporting of APR Data:**

Site	%
Aroostook County	100%
CDS Reach	100%
CDS First Step	100%
Two Rivers	100%
Mid-coast Regional CDS	100%
Opportunities	100%
Project PEDS	100%
Child Development Services Downeast	100%
York County	100%
<b>State Total</b>	<b>100%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

Maine has reached its target, and has had a consistent level of compliance since the FFY 2006 year (100%), the FFY 2007 year (100%), the FFY 2008 year (100%) and the FFY 2009 (100%).

Activities initiated or required by the CDS State IEU over the last year have included:

- The CDS State IEU has developed an electronic focus audit form specific to transition that is used within monitoring visits. The audit form has also been made available to regional sites to use in staff training, when doing self-assessments, and as a training tool with staff.
- Participated in TA opportunities related to transition, as provided by OSEP.
- Communicated with Part C Technical Advisor regularly on what barriers the field was having in relation to transition.
- Discussed the importance of the transition requirements at the monthly Director's Council meeting. At the Director's Council meetings regional directors were encouraged to communicate best practice ideas and the barriers they were encountering at their sites.
- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction, the data submitted were reviewed and verified using the data system or through a file review. For findings that were child-specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site to ensure that notification has been provided on the child who is potentially eligible has provided to Part B.

Activities completed by the Part C Technical Advisor:

- Several Lunch and Learn sessions addressed the requirements of the C to B transition process and documentation.
- Two-session trainings were presented at two regional sites in December 2010, February 2011, and March of 2011 to clarify the transition for C and B personnel.
- Participated in an OSEP call and reviewed information from the Q&A related to transition.
- Amended Administrative Letter (#16) that addresses transition to clarify the process especially as it relates to late referrals to Part C. (This draft is still in the review process.)
- Participated in a regional site focused file review of this indicator.
- Included transition information in the EIS Process document.
- Assisted in the development of new forms to support documentation of the transition.

Activities completed by regional sites:



- Participated in Lunch and Learns.
- One regional site arranged their case management positions so that one case manager would function as a Part C to Part B bridge case manager. Her role was to ensure all necessary requirements were met for children within transition age.

**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 100%; correction is not applicable.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

### Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8C:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

C. Transition conference, if child potentially eligible for Part B.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent =  $\left[ \frac{\text{(\# of children exiting Part C and potentially eligible for Part B where the transition conference occurred)}}{\text{(\# of children exiting Part C who were potentially eligible for Part B)}} \right] \times 100$ .

Account for untimely transition conferences, including reasons for delays.

FFY	Measurable and Rigorous Target
FFY 2010	100%

**Actual Target Data for FFY 2010:**

93%
-----

Data were collected from the State database (Case-e) for all children for the reporting period of July 1, 2010 through June 30, 2011. Data were verified through comparison with monthly compliance reports generated and submitted by regional sites. Then, the CDS State IEU generated monthly reports from the data system to verify against regional site reports. Discrepancies were shared with regional site directors and follow-up was required at the regional site-level to ensure correct data.

**Children Exiting Part C who Received Timely Transition Planning (Transition Conference):**

a. Number of children exiting Part C and potentially eligible for Part B where the transition conference occurred	548
b. Number of children exiting Part C who were potentially eligible for Part B	590
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Transition Conference) (Percent = $\left[ \frac{\text{(a)}}{\text{(b)}} \right] \times 100$ )	93%

Reason for Delay	Count
CDS (no delay reason was given and/or delay was caused by regional site/ staff)	42

**Public Reporting of APR Data:**

Site	%
Aroostook County	100%
CDS Reach	95%
CDS First Step	93%
Two Rivers	94%
Mid-coast Regional CDS	94%
Opportunities	94%
Project PEDS	88%
Child Development Services Downeast	84%
York County	93%
<b>State Total</b>	<b>93%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

Maine did not reach its target and the State has slightly decreased the level of compliance since last year. Previous years' data were: the FFY 2006 year (87%), the FFY 2007 year (60%), the FFY 2008 year (56%) and the FFY 2009 year (94.8%).

A variety of activities have occurred at both the State and site level to ensure children who are potentially eligible for Part B have had a transition conference.

Activities initiated or required by the CDS State IEU over the last year have included:

- The CDS State IEU has developed an electronic focus audit form specific to transition that is used within monitoring visits. The audit form has also been made available to regional sites to use in staff training, when doing self-assessments, and as a training tool with staff.
- Participated in TA opportunities related to transition, as provided by OSEP.
- Communicated with Part C Technical Advisor regularly on what barriers the field was having in relation to transition.
- Discussed the importance of the transition requirements at the monthly Director's Council meeting. At the Director's Council meetings regional site directors were encouraged to communicate best practice ideas and the barriers they were encountering at their sites.
- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction, the data submitted were reviewed and verified using the data system or through a file review. For findings that were child-specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site to ensure the child received a transition conference.

Activities completed by the Part C Technical Advisor:

- Several Lunch and Learn sessions addressed the requirements of the C to B transition process and documentation.
- Two-session trainings were presented at two regional sites in December 2010, February 2011, and March of 2011 to clarify the transition for C and B personnel.

- Participated in an OSEP call and reviewed information from the Q&A related to transition.
- Amended Administrative Letter (#16) that addresses transition to clarify the process especially as it relates to late referrals to Part C. (This draft is still in the review process.)
- Participated in a regional site focused file review of this indicator.
- Included transition information in the EIS Process document.
- Assisted in the development of new forms to support documentation of the transition.

Activities completed by regional sites:

- Participated in Lunch and Learns.
- One regional site arranged their case management positions so that one case manager would function as a Part C to Part B bridge case manager. Her role was to ensure all necessary requirements were met for children within transition age.

**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 94.8%

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009, through June 30, 2010)	1
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	1
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Actions Taken if Noncompliance Not Corrected:**

All findings of noncompliance for FFY 2009 have been timely corrected.

**Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

Prior to considering any finding from FFY 2009 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

Through Case-e, CDS was also able to verify that each child received a transition conference, although late.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

**Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):**

1. Number of remaining FFY 2008 findings of noncompliance noted in OSEP's June 2011, FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2008 findings the State has verified as corrected	0
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	1

**Actions Taken if Noncompliance Not Corrected:**

For FFY 2008 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2008 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

**Verification of Correction of Remaining FFY 2008 findings:**

CDS State IEU was unable to verify correction of noncompliance for Indicator 8C for FFY 2008.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

CDS State IEU was unable to verify correction of noncompliance for Indicator 8C for FFY 2008.

**Correction of Any Remaining Findings of Noncompliance from FFY 2007 (if applicable):**

1. Number of remaining FFY 2007 findings of noncompliance noted in OSEP's June 2011, FFY 2009 APR response table for this indicator	4
2. Number of remaining FFY 2007 findings the State has verified as corrected	1
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	3

#### **Actions Taken if Noncompliance Not Corrected:**

For FFY 2007 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2007 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

#### **Verification of Correction of Remaining FFY 2007 findings:**

Prior to considering any finding from FFY 2007 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

#### **Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

Through Case-e, CDS was also able to verify that each child received a transition conference, although late.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 (if applicable):**

1. Number of remaining FFY 2006 findings of noncompliance noted in OSEP's June 2011, FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2006 findings the State has verified as corrected	0
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	1

**Actions Taken if Noncompliance Not Corrected:**

For FFY 2006 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2006 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

**Verification of Correction of Remaining FFY 2006 findings:**

CDS State IEU was unable to verify correction of noncompliance for Indicator 8C for FFY 2006.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2006:**

CDS State IEU was unable to verify correction of noncompliance for Indicator 8C for FFY 2006.

**Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.	While CDS data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance identified in FFYs 2006 to 2008 in the "Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):", "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):", and "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" sections above.
The State must demonstrate, in the FFY 2010 APR, that the one remaining noncompliance finding identified in FFY 2008, the four remaining noncompliance findings identified in FFY 2007, and the one remaining noncompliance finding identified in FFY 2006 were corrected.	CDS reports on the correction of noncompliance identified in FFYs 2006 to 2008 in the "Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):", "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):", and "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" sections above.
When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator, each EIS program with remaining noncompliance identified in FFY 2008, and each EIS program with remaining noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data	CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to 2008 consistent with OSEP Memorandum 09-02 in the "Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):", "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):", and "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" sections above.



<p>subsequently collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p>	
---	--

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 9:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B) and 1442)

#### Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

**States are required to use the "Indicator C 9 Worksheet" to report data for this indicator (see Attachment A).**

FFY	Measurable and Rigorous Target
FFY 2010	100%

#### Actual Target Data for FFY 2010:

100%
------

**INDICATOR C-9 WORKSHEET**

<b>Indicator/Indicator Clusters</b>	<b>General Supervision System Components</b>	<b># of EIS Programs Issued Findings in FFY 2009 (7/1/09 through 6/30/10)</b>	<b>(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 through 6/30/10)</b>	<b>(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification</b>
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings			
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings			
3. Percent of infants and toddlers with IFSPs who demonstrate improved outcomes	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings			
4. Percent of families participating in Part C who report that early intervention services have helped the family	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			

INDICATOR C-9 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2009 (7/1/09 through 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 through 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings			
5. Percent of infants and toddlers birth to 1 with IFSPs	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
6. Percent of infants and toddlers birth to 3 with IFSPs	Dispute Resolution: Complaints, Hearings			
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
8. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday;	Dispute Resolution: Complaints, Hearings			
8. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
B. Notified (consistent with any opt-out policy adopted by the State)	Dispute Resolution: Complaints, Hearings			

INDICATOR C-9 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2009 (7/1/09 through 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 through 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and				
8. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.	Dispute Resolution: Complaints, Hearings			
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
OTHER AREAS OF NONCOMPLIANCE: Findings of noncompliance based on implementation of MUSER	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	8	9	9
	Dispute Resolution: Complaints, Hearings			
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data			

INDICATOR C-9 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2009 (7/1/09 through 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 through 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
Sum the numbers down Column a and Column b			14	14
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	100.00%

**Describe the process for selecting EIS programs for Monitoring:**

The CDS State IEU monitors all regional sites annually through the state data system. In addition to monitoring through the state data system, the CDS State IEU members of the B-20 GSST complete onsite visits to half of the regional sites per year. Pursuant to MUSER (Section XIII), “...*representatives of the Commissioner shall collect data and report on every SAU program at least once during the six year period of the State’s Performance Plan*”. Regional site compliance visits for FFY 2010 included York County, Project PEDS, Child Development Services Downeast, Mid-coast Regional CDS, and CDS First Step. These sites will be scheduled for verification visits in the spring of FFY 2012.

In the most recent version of MUSER (July 2, 2011) Section XIII-General Supervision System includes five subsections:

1. Department Approval,
2. General Supervision System Priorities,
3. General Supervision System Activities,
4. Approval/ Enforcement, and
5. Public Access.

The rule can be found at <http://www.maine.gov/sos/cec/rules/05/071/071c101.doc>.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2010:**

Maine reached its target and the State has increased the level of compliance since the FFY 2006 year (0%), the FFY 2007 year (0%), the FFY 2008 year (72.7%) and the FFY 2009 year (15.79%).

A major focus of FFY 2010 was verifying correction of noncompliance as soon as possible but in no case later than one year from identification as specified by OSEP Memorandum 09-02.

Due to the consolidation of the 15 regional sites to nine regional sites, our OSEP state contact provided guidance requiring the follow-up of any findings the closed regional sites may have had. It was determined that it was the responsibility of receiving sites to correct findings of noncompliance. OSEP required that if a regional site received one or more child(ren) from a regional site that had closed, the finding of noncompliance must be corrected by the receiving regional site. As a result, multiple regional sites may have received the same finding. For example: Site A closed. Those children became the responsibility of Site XYZ and Site ABC. Both Site XYZ and Site ABC must demonstrate correction before the finding from Site A can be considered closed.

A variety of activities have occurred at both the State and regional site level to ensure that general supervision practices are in place. In addition to the activities listed below, personnel from the CDS State IEU, including some regional site staff and the Part C Technical Advisor, participated in national and state focused TA activities. TA was received from NERRC and NECTAC through webinars, phone conversations, and review of information posted on websites. Pertinent information was shared with regional site directors via email, at their monthly Director’s Council meetings, or through the Lunch and Learn sessions. Lunch and Learns sessions occur on a weekly basis, are about an hour long, and are available to regional site personnel via teleconference. Each week a different topic is addressed. In addition to the TA received from NERRC and NECTAC, the CDS State IEU team had several conversations with its OSEP Part C State Contact and his supervisor.

Activities initiated or required by the CDS State IEU over the last year have included:

- The CDS State IEU Policy Manager and Data Distinguished Educator (DE) continue to serve as members of the State Birth-20 General Supervision System (B-20 GSST) team. The two named persons guide and complete all monitoring activities for the CDS State IEU with assistance from the CDS State IEU Management Team when necessary. Over the past year, the GSST Team Lead, named by the Commissioner of Education, has been placed on medical level resulting in a significant change in the structure.

- As a part of GSST, a schedule of events for the year was completed. Due to some specific requirements and diversity within the CDS system, some of the timelines and dates were changed to meet the needs of CDS system.
- The CDS State IEU has participated in all monthly Director Council meetings and each month has discussed findings of noncompliance and correction of noncompliance procedures; provided guidance on OSEP Memo 09-02; provided information obtained through OSEP TA webinars and OSEP Conferences. Regional site directors and staff are more aware of the requirements and expectations of General Supervision.
- Over the last year the Data Distinguished Educator has maintained a database of all areas of noncompliance. The system documents when the finding was made, when it was corrected, and if within a year of identification. The information has been shared with regional site directors and NERRC.
- Maine participated in the Targeting Indicator Improvement (TII) process facilitated by NERRC during the fall of 2011. This intensive two-day structured process helped State team members identify underlying performance drivers and barriers to improvement for this indicator. As a result of the TII process, specific, prioritized action steps informed by indicator data and contributing factors were created to address the barriers to improved performance. As part of the TII process, progress checkpoints have been created to review action steps and progress will be reported in future Annual Performance Reports. The Indicators Maine selected to focus on in this work are C9 and B15. Most of the work and action planning has been specific to CDS due to the make-up of the TII group.
- Each regional site that received a finding of noncompliance or continued to have an open area of noncompliance was required to submit a CAP to the CDS State IEU for approval. When submitting data to the CDS State IEU for verification of correction the data submitted were reviewed and verified using the data system or through a file review. For findings that were child-specific, the CDS State IEU reviewed the child's file through the data system as well as the file located at the regional site to ensure the child was provided the needed requirement.
- The GSST Team visited York County site on 12/22/2010 to perform an on-site review as follow-up to a due process complaint. Following the review on 12/22/2010, CDS State IEU personnel visited York County for further file review and provided TA to the site staff.

Activities completed by the Part C Technical Advisor:

- Participated in trainings related to findings.
- Provided TA on all Indicators to regional site staff.

Activities completed by regional sites:

- Regional site directors share Letters of Findings, Letters of Correction, and information distributed by the CDS State IEU to their staff.
- Some regional sites have invited CDS State IEU staff to their scheduled staff meetings to explain GSST Letters, documents, or requirements.

**Note: For this indicator, report data on the correction of findings of noncompliance the State identified in FFY 2009 (July 1, 2009 through June 30, 2010) and verified as corrected as soon as possible and in no case later than one year from identification.**

**Timely Correction of FFY 2009 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

1. Number of findings of noncompliance the State identified in FFY 2009 (the period from July 1, 2009, through June 30, 2010) (Sum of Column a on the Indicator C9 Worksheet)	<b>14</b>
---	-----------



2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS programs of the finding) (Sum of Column b on the Indicator C9 Worksheet)	14
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Description of Other Areas of Noncompliance from C9 Worksheet:**

Nine of the 14 findings of noncompliance made in FFY 2009 are indicated in the C9 Worksheet as "OTHER AREAS OF NONCOMPLIANCE". Those findings are related to documentation in the following areas:

- Written notice of initial referral (6 findings)
- Receipt of consent for initial evaluation (2 findings)
- Justification of natural environment (1 finding)

**Verification of Correction for findings of noncompliance identified in FFY 2009 (either timely or subsequent):**

Prior to considering any finding from FFY 2009 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing the specific regulatory requirements (IDEA and MUSER) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

For timeline specific requirements, CDS also verified that the action occurred, although late. For other requirements, CDS verified correction for each child.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

**Actions Taken if Noncompliance Not Corrected:**

All findings of noncompliance for FFY 2009 have been timely corrected.

**Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable)**

If the State reported less than 100% for this indicator in its FFY 2009 APR and did not report in the FFY 2009 APR that the remaining FFY 2008 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2008 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	4
---	---

2. Number of remaining FFY 2008 findings the State has verified as corrected	1
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	3

**Actions Taken if Noncompliance Not Corrected:**

For FFY 2008 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2008 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

**Verification of Correction of FFY 2008 findings (either timely or subsequent)**

Prior to considering any finding from FFY 2008 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing the specific regulatory requirements (IDEA and MUSER) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each

regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

For timeline specific requirements, CDS also verified that the action occurred, although late. For other requirements, CDS verified correction for each child.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

### **Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable)**

If the State reported less than 100% for this indicator in its FFY 2009 APR and did not report in the FFY 2009 APR that the remaining FFY 2007 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2007 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	13
2. Number of remaining FFY 2007 findings the State has verified as corrected	3
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	10

### **Actions Taken if Noncompliance Not Corrected:**

For FFY 2007 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2007 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance

- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

#### **Verification of Correction of FFY 2007 findings (either timely or subsequent):**

Prior to considering any finding from FFY 2007 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

#### **Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed subsequent updated data from Case-e, performed on-site file reviews, and verified subsequent data submitted through regional site self-assessments and compliance reports submitted by each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program.

For timeline specific requirements, CDS also verified that the action occurred, although late. For other requirements, CDS verified correction for each child.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit CAPs.

#### **Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable)**

If the State reported less than 100% for this indicator in its FFY 2009 APR and did not report in the FFY 2009 APR that the remaining FFY 2006 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2006 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2006 findings the State has verified as corrected	0
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	1

#### **Actions Taken if Noncompliance Not Corrected:**

For FFY 2006 findings that remain uncorrected, as of submission of this report, the CDS State IEU has provided TA to the regional sites on what is monitored, how to correct the outstanding finding, and the steps taken to verify the correction. Regional sites with outstanding findings were required to update their CAP.

For FFY 2006 findings that remain uncorrected as of submission of this report, the CDS State IEU will enforce sanctions on the regional sites with a strict timeline to ensure improvement and correction. CAPs will be revised with input from the CDS State IEU Management Team to ensure an increased level of detail and attention. The CDS State IEU will mandate indicator and site specific action steps when necessary. Site specific recommendations will be made by the CDS State IEU State Director on staffing patterns, procedures, and/or budget refinements.

On May 2 and 3, 2012 Susan Hayes and Susan Marks from NERRC will provide on-site support to Maine Part C and B staff to:

- Review all outstanding uncorrected findings of noncompliance (both Part C and B)
- Review correction efforts/corrective actions taken to date with regional sites and SAUs related to these findings of noncompliance
- Analyze the effectiveness of existing correction efforts and corrective actions
- Explore additional progressively stringent corrective actions/sanctions including those employed by other states
- Strategize how best to apply these new corrective actions to regional sites/SAUs with outstanding noncompliance
- Develop a plan (including specific corrective actions or sanctions to be utilized, timelines, staff responsibilities for follow-up, and communication to regional sites/SAUs) to implement new corrective actions with regional sites/SAUs to ensure timely correction of all outstanding noncompliance
- Re-evaluate the Maine process for verifying correction of noncompliance to see what overall improvements can be made to ensure future correction of any new findings of noncompliance

As part of this two-day meeting, the Maine CDS state team, NERRC, and representatives from OSEP will also speak with CDS Regional Site Directors and program leads through the scheduled May 3rd "Lunch and Learn" teleconference about the importance of correction of noncompliance and the state's plan for ensuring this happens in a timely manner going forward.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<b>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining four findings of noncompliance identified in FFY 2008, remaining 13 findings identified in FFY 2007, and remaining one finding identified in FFY 2006 that were not reported as corrected in the FFY 2009 APR were corrected.</b>	CDS reports on the correction of noncompliance identified in FFYs 2006 to 2008 in the "Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):", "Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):", and "Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):" sections above.
<b>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2010 APR, demonstrating that the State timely corrected findings of noncompliance identified in FFY 2009 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</b>	GSST and the stakeholders group have reviewed the improvement activities for Indicator 9.
<b>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each EIS</b>	CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to 2008 consistent with OSEP Memorandum 09-02 in the

<p><b>program with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</b></p>	<p>“Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):”, “Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):”, and “Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):” sections above.</p>
<p><b>In addition, in reporting on Indicator 9 in the FFY 2010 APR, the State must use the Indicator 9 Worksheet.</b></p>	<p>Indicator 9 worksheet used above.</p>
<p><b>Further, in responding to Indicators 1, 7, 8A, and 8C in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</b></p>	<p>Correction of noncompliance for indicators 1, 7, 8A, and 8C are described in the tables and narrative of those indicators.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

GSST and the stakeholders group have reviewed the improvement activities for Indicator 9.

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 10:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

Table 4, Section A

SECTION A: Written, Signed Complaints	
(1) Total number of written, signed complaints filed	0
(1.1) Complaints with reports issued	0
(a) Reports with findings of noncompliance	0
(b) Reports within timeline	0
(c) Reports within extended timelines	0
(1.2) Complaints pending	0
(a) Complaints pending a due process hearing	0
(1.3) Complaints withdrawn or dismissed	0

FFY	Measurable and Rigorous Target
FFY 2010	100%

## Actual Target Data for FFY 2010:

*No cases were initiated*

No complaints = [(0+0)/0]\*100

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

No cases were initiated, so result could not be calculated.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 11:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

**Table 4, Section C**

SECTION C: Due Process Complaints	
(3) Total number of due process complaints filed (for all States)	0
(3.1) Resolution meetings (applicable ONLY for States using Part B due process hearing procedures)	0
(a) Written settlement agreements reached through resolution meetings	0
(3.2) Hearings fully adjudicated (for all States) –	0
(a) Complete EITHER item (1) <u>OR</u> item (2), below, as applicable.	
(1) Decisions within timeline – <u>Part C</u> Procedures	-9*
(2) Decisions within timeline – <u>Part B</u> Procedures	0
(b) Decisions within extended timeline (applicable ONLY if using Part B due process hearing procedures)	0
(3.3) Hearing pending (for all States)	0
(3.4) Due process complaint withdrawn or dismissed (including resolved without a hearing)(for all States)	0

\* The notation “-9” indicates that the data are not reported because the state does not have separate Part C procedures to report. Maine follow the same procedures as Part B.

FFY	Measurable and Rigorous Target
FFY 2010	100%

**Actual Target Data for FFY 2010:**

*No cases were initiated*

No hearing requests = [(0+0)/0]\*100



**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

No cases were initiated, so result could not be calculated.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 12:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

Table 4, Section C

SECTION C: Due Process Complaints	
(3) Total number of due process complaints filed (for all States)	0
(3.1) Resolution meetings (applicable ONLY for States using Part B due process hearing procedures)	0
(a) Written settlement agreements reached through resolution meetings	0
(3.2) Hearings fully adjudicated (for all States) –	0
(a) Complete EITHER item (1) <u>OR</u> item (2), below, as applicable.	
(1) Decisions within timeline – <u>Part C</u> Procedures	-9”
(2) Decisions within timeline – <u>Part B</u> Procedures	0
(b) Decisions within extended timeline (applicable ONLY if using Part B due process hearing procedures)	0
(3.3) Hearing pending (for all States)	0
(3.4) Due process complaint withdrawn or dismissed (including resolved without a hearing)(for all States)	0

\* The notation “-9” indicates that the data are not reported because the state does not have separate Part C procedures to report. Maine follows the same procedures as Part B.

FFY	Measurable and Rigorous Target
FFY 2010	less than 10 mediation sessions

## Actual Target Data for FFY 2010:

*No cases were initiated*

No resolution sessions =  $[(0+0)/0]*100$

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

No cases were initiated, so result could not be calculated.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

## Monitoring Priority: Effective General Supervision Part C / General Supervision

Indicator 13: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

Table 4, Section B

SECTION B: Mediation Requests	
(2) Total number of mediation requests received	0
(2.1) Mediations held	0
(a) Mediations held related to due process complaints	0
(i) Mediation agreements related to due process complaints	0
(b) Mediations held not related to due process complaints	0
(i) Mediation agreements not related to due process complaints	0
(2.2) Mediations pending	0
(2.3) Mediations not held	0

FFY	Measurable and Rigorous Target
FFY 2010	less than 10 mediation sessions

**Actual Target Data for FFY 2010:**

No cases were initiated

No mediations held = [(0+0)/0]\*100

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:****Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

## Part C State Annual Performance Report (APR) for FFY 2010

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 14:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** State reported data, including 618 data, State performance plan, and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count and settings and November 1 for exiting and dispute resolution); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 14 Data Rubric" for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
FFY 2010	100% of data submitted will be on time and accurate

#### Actual Target Data for FFY 2010:

100% (see rubric, next pages)
----------------------------------

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Data collected for use in the development of this APR are valid and reliable, and collection of those data from sites in the state was timely and confirmed to be accurate using data validation checks. The 618 data submissions for Part C tables 1 – 4 were timely, complete and passed the required data checks. No data notes were required.

#### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):

Part C Indicator 14 Data Rubric

Indicator 14 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1	1	2
2	1	1	2
3	1	1	2
4	1	1	2
5	1	1	2
6	1	1	2
7	1	1	2
8A	1	1	2
8B	1	1	2
8C	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
		<b>Subtotal</b>	30
<b>APR Score Calculation</b>	<b>Timely Submission Points -</b> If the FFY 2010 APR was submitted on-time, place the number 5 in the cell on the right.		5
	<b>Grand Total – (Sum of subtotal and Timely Submission Points) =</b>		35

618 Data – Indicator 14					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/10	1	1	1	N/A	3
Table 2 – Program Settings Due Date: 2/1/10	1	1	1	N/A	3
Table 3 – Exiting Due Date: 11/1/10	1	1	1	N/A	3
Table 4 – Dispute Resolution Due Date: 11/1/10	1	1	1	N/A	3
				<b>Subtotal</b>	12
<b>618 Score Calculation</b>			<b>Grand Total</b> (subtotal x 2.5)		30

Indicator #14 Calculation	
A. APR Grand Total	35.00
B. 618 Grand Total	30.00
C. APR Grand Total (A) + 618 Grand Total (B) =	65.00
Total N/A in APR	0.00
Total N/A in 618	4.00
<b>Base</b>	<b>65.00</b>
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.0